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HOUSE BILL 71

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Miguel P. Garcia

AN ACT

**RELATING TO PROPERTY TAXATION; IMPLEMENTING THE EXPANSION OF
THE DISABLED VETERAN EXEMPTION REQUIRED BY ARTICLE 8, SECTION
15 OF THE CONSTITUTION OF NEW MEXICO; DECLARING AN EMERGENCY.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. Section 7-37-5.1 NMSA 1978 (being Laws 2000,
Chapter 92, Section 1 and Laws 2000, Chapter 94, Section 1) is
amended to read:**

"7-37-5.1. DISABLED VETERAN EXEMPTION. --

A. As used in this section:

(1) "disabled veteran" means an individual

who:

**(a) has been honorably discharged from
membership in the armed forces of the United States or has
received a discharge certificate from a branch of the armed**

underscored material = new
[bracketed material] = delete

1 forces of the United States for civilian service recognized
2 pursuant to federal law as service in the armed forces of the
3 United States; and

4 (b) has been determined pursuant to
5 federal law to have a one hundred percent permanent and total
6 service-connected disability; and

7 (2) "honorably discharged" means discharged
8 from the armed forces pursuant to a discharge other than a
9 dishonorable or bad conduct discharge.

10 B. The property of a disabled veteran, including
11 joint or community property of the veteran and the veteran's
12 spouse, is exempt from property taxation if it is occupied by
13 the disabled veteran as his principal place of residence [~~and~~
14 ~~has been especially adapted to his disability using a grant for~~
15 ~~specially adapted housing granted to the veteran by the federal~~
16 ~~government based on his permanent and total service-connected~~
17 ~~disability~~]. Property held in a grantor trust established
18 under Sections 671 through 677 of the Internal Revenue Code of
19 1986, as those sections may be amended or renumbered, by a
20 disabled veteran or the veteran's surviving spouse is also
21 exempt from property taxation if the property otherwise meets
22 the requirements for exemption in this subsection or Subsection
23 C of this section.

24 C. The property of the surviving spouse of a
25 disabled veteran is exempt from property taxation if:

underscored material = new
[bracketed material] = delete

1 (1) the surviving spouse and the disabled
2 veteran were married at the time of the disabled veteran's
3 death;

4 (2) the property was exempt prior to the
5 disabled veteran's death pursuant to Subsection B of this
6 section; and

7 (3) the surviving spouse continues to occupy
8 the property continuously after the disabled veteran's death as
9 the spouse's principal place of residence.

10 D. The exemption provided by this section may be
11 referred to as the "disabled veteran exemption".

12 E. The disabled veteran exemption shall be applied
13 only if claimed and allowed in accordance with Section 7-38-17
14 NMSA 1978 and the rules of the department.

15 F. The New Mexico veterans' service commission
16 shall assist the department and the county assessors in
17 determining which veterans qualify for the disabled veteran
18 exemption. "

19 Section 2. APPLICABILITY. --The provisions of this act
20 apply to the 2003 and subsequent property tax years.

21 Section 3. EMERGENCY. --It is necessary for the public
22 peace, health and safety that this act take effect immediately.